

AO 440 (Rev. 10/93) Summons in a Civil Action

07 cv 2373  
WQH (CAB)  
FILED

UNITED STATES DISTRICT COURT

THE UNITED STATES DISTRICT COURT SOUTHERN

District of California

2008 AUG 25 PM 1:05

Chad McKinney, Pro Se

CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

SUMMONS IN A CIVIL CASE **WQH** DEPUTY

V.

APOLLO GROUP INC., UNIVERSITY OF PHOENIX, a Corporation, MICHELLE BONILLA, an  
Enrollment Manager at UNIVERSITY OF PHOENIX, KYAN FLYNN, Director of Enrollment at  
UNIVERSITY OF PHOENIX, APRIL ALCORN, an Employee Relations Consultant at UNIVERSITY OF  
PHOENIX, CARLYN LINDSTEN, Associate Director of Enrollment at UNIVERSITY OF PHOENIX

CASE NUMBER:

07 cv 2373 CAB

TO: (Name and address of Defendant)

Apollo Group, Incorporated  
Corporation Service Company  
2338 W. Royal Palm Rd. Ste. J  
Phoenix, AZ 85021

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Chad McKinney, Pro Se  
6266 Madeline Street Apt. No. 61  
San Diego, Ca 92115-5630

an answer to the complaint which is herewith served upon you, within 20 days after service of this  
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for  
the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period  
of time after service.

**W. SAMUEL HAMRICK, JR.**

**SEP 15 2008**

CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 10/93) Summons in a Civil Action

## RETURN OF SERVICE

Service of the Summons and complaint was made by me<sup>1</sup>

DATE

August 20th, 2008 @ 12:41pm

NAME OF SERVER (PRINT)

Vincent G. Butler

TITLE

Licensed Process Server Badge no. 7274

Check one box below to indicate appropriate method of service

☐ G Served personally upon the third-party defendant. Place where served: \_\_\_\_\_☐ G Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: \_\_\_\_\_

☐ G Returned unexecuted: \_\_\_\_\_☒ G Other (specify): Served Ashley McAniff - Service of Process Coordinator

@Corporate Service Co. 2332 W. Royal Palm #1, Phoenix, AZ. Statutory Agent for: Apollo Group Inc.

## STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

8/20/2008

Date

Signature of Server

#7274

HOT SHOT DELIVERY INC.

236 E. PIMA ST., STE. 106  
PHOENIX, AZ 85004

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure

1 Chad McKinney  
2 Pro Se  
3 6266 Madeline St Apt #61  
4 San Diego, CA 92115  
5 619-634-3566

6 **THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA**

7 **August 25<sup>th</sup>, 2008**

8 **BY HAND DELIVERY**

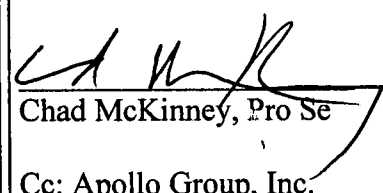
9 The Honorable Judge William Q. Hayes  
10 Referred to: Magistrate Judge Cathy Ann Bencivengo  
11 330 West Broadway, San Diego  
12 CA 92101-3827

13 Re: McKinney v. Apollo Group Inc., *et al*  
14 Civil Action 07-cv-2373

15 Dear Judge Hayes,

16 Enclosed is a courtesy copy of the Plaintiff's Proof of Service of Process, a courtesy copy of the  
17 original complaint, and appendices that was hand delivered with the Clerk today.

18 Respectfully,

19   
20 Chad McKinney, Pro Se

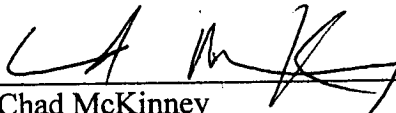
21 Cc: Apollo Group, Inc.  
22  
23  
24

## CERTIFICATE OF SERVICE

I, Chad McKinney, hereby certify that on, August 25<sup>th</sup>, 2008, I served copies of the Plaintiff's Proof of Service of Process, a courtesy copy of the original complaint, and appendices to the Court and on the defendant parties by way of United States Postal Service First Class Priority Mail:

Snell & Wilmer L.L.P.  
Attention of: Nathan W. Hicks  
600 Anton Boulevard, Suite 1400.  
Costa Mesa, CA 92626

08/25/08  
Date

  
Chad McKinney

The United States District Court Southern District of California

1  
2 Chad McKinney  
3 Pro Se  
4 6266 Madeline St Apt #61  
5 San Diego, CA 92115  
6 619-634-3566

7 THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

8 CHAD MCKINNEY, an individual,

9  
10  
11 Plaintiff,

12  
13  
14  
15 v.

16 APOLLO GROUP INC., UNIVERSITY OF  
17 PHOENIX , a Corporation, MECHELLE  
18 BONILLA, an Enrollment Manager at  
19 UNIVERSITY OF PHOENIX, KYAN  
20 FLYNN, Director of Enrollment at  
21 UNIVERSITY OF PHOENIX, APRIL  
22 ALCORN, an Employee Relations  
23 Consultant at UNIVERSITY OF PHOENIX  
24 CARLYN LINDSTEN, Associate Director of  
Enrollment at UNIVERSITY OF PHOENIX

Defendants

) CIV. Case No. 07-CV-2373

)  
) FOR VIOLATION OF FEDERAL  
) FALSE CLAIMS ACT AND FOR  
) VIOLATION OF THE  
) THE CIVIL RIGHTS ACT 1964 AND  
) THE AMENDMENTS TO TITLE  
) VII OF THE CIVIL RIGHTS ACT OF  
) 1991

)  
) RETALIATION- WRONGFUL  
) TERMINATION &  
) EMPLOYMENT DISCRIMINATION  
) CIVIL ACTION

)  
)  
) Demand for Trial By Jury Pursuant  
) to U.S. Constitution, 7<sup>th</sup> Amendment

)  
) Filed:  
) December 19<sup>th</sup>, 2007  
)  
)

1  
2  
3  
4 **STATEMENT OF THE CASE**  
5

6 **1.**

7 This instant arises primarily from the defendant's discriminatory behavior against the  
8 plaintiff while the plaintiff was employed by the defendant, including but not limited to  
9 the wrongful termination of the plaintiff. More specifically, this case arises out of the  
10 defendant retaliating against the plaintiff in violation of the Federal False Claims Act  
11 § 3729. In 1986, Congress added provisions in 31 U.S.C. Sec. 3730(h): "Any  
12 employee who is discharged, demoted, suspended, threatened, harassed, or in any other  
13 manner discriminated against in the terms and conditions of employment by his or her  
14 employer because of lawful acts done by the employee on behalf of his employer or  
15 others in furtherance of an action under this section, including investigation for,  
16 initiation of, testimony for, or assistance in an action filed or to be filed under this  
17 section, shall be entitled to all relief necessary to make the employee whole."  
18

19 The Defendant's discriminatory behavior against the Plaintiff is also in violation of  
20 Title VII of the CIVIL RIGHTS ACT of 1964 and amendments to Title VII of the  
21 CIVIL RIGHTS ACT of 1991.  
22

23 Various common laws were also broken by the defendant in violation of the rights of  
24 the plaintiff.

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2  
3  
4  
5       2.                               **JURISDICTION**

6  
7       The plaintiff asks the Court to recognize the jurisdiction of this case as the case meets the  
8       requirement of jurisdiction under the Federal False Claims Act and Title VII of the Civil  
9       Rights act of 1964 as amended in 1991. It should be further noted that the EEOC  
10      recognized jurisdiction in evaluating the case and submitted to the plaintiff a 90 day  
11      "right to sue" letter.

12  
13       3.                               **VENUE**

14       The employer APOLLO GROUP INC, UNIVERSITY OF PHOENIX, is located  
15       in San Diego at the following locations.

16  
17               Apollo Group, Inc  
18               University of Phoenix  
19               3890 Murphy Canyon Road  
20               San Diego, CA 92123

21               Apollo Group, Inc  
22               University of Phoenix  
23               1230 Columbia Street  
24               San Diego, CA 92101

              The venue is proper for this action.

1  
2                   4.                   TIMELINESS OF PETITION

3                   This action is timely filed within the statute of limitations as provided by the EEOC. As  
4                   required by law, a complaint was filed with the EEOC before filing this action.

5                   This action is also timely within the Federal False Claims act.  
6

7                   5.                   PARTIES

8                   Plaintiff Chad McKinney is an American citizen residing at 6266 Madeline St., APT #61,  
9                   San Diego, CA, 92115.

10                   Defendant Apollo Group Inc., University of Phoenix is located at:

11                   Apollo Group, Inc  
12                   University of Phoenix  
13                   3890 Murphy Canyon Road  
14                   San Diego 92123

15                   Defendant, MECHELLE BONILLA, Enrollment Manager of UNIVERSITY PHOENIX, was  
16                   employed at the San Diego office located at:

17                   Apollo Group, Inc  
18                   University of Phoenix  
19                   1230 Columbia Street  
20                   San Diego, CA 92101

21                   Defendant KYAN FLYNN, Director of Enrollment of UNIVERSITY PHOENIX, and Defendant  
22                   CARLYN LINDSTEN, Associate Director of Enrollment of UNIVERSITY OF PHOENIX, both  
23                   were employed at the San Diego office located at:

24                   Apollo Group, Inc  
                 University of Phoenix  
                 3890 Murphy Canyon Road  
                 San Diego 92123



1  
2 Defendant APRIL ALCORN a Human Resources Manager of UNIVERSITY OF  
3 PHOENIX, was employed at the corporate headquarters, located at:

4 Apollo Group, Inc  
5 University of Phoenix  
6 4615 E. Elwood St.  
7 Phoenix, AZ 85040

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**STATEMENT OF FACTS**

- 1) Plaintiff was hired on August 7<sup>th</sup> 2006 as an Enrollment Counselor for the University of Phoenix. Plaintiff was interviewed by Kyan Flynn, Barbara Keramati, and Andrea Beltran.
- 2) During the interviewing process Plaintiff was told the job was a salary position and there was no mention to the Plaintiff that his salary would decrease if the Plaintiff did not meet quotas for new applicants.
- 3) It was communicated to Plaintiff that his salary could increase if he were to successfully meet the goals of the defendant's employment matrix. The specifics of the matrix were not outlined to the Plaintiff during the interview. Kyan Flynn did communicate to the Plaintiff that "laborious efforts, dedication, and job competency" were required for an increase in salary to take effect.

1       4)     After two months of employment the Plaintiff discovered that his salary was  
2             based on enrollment quotas via discussions of the "employment matrix" and  
3             discussions with other employees.

4  
5       5)     The Plaintiff received harassing emails, vocalization of threats (from his  
6             manager), and was entered into contests to encourage sales quotas. Rewards,  
7             bonuses [of monetary value], and/or special treatment were given to those  
8             who enrolled the most students.

9  
10      6)     The Plaintiff, after discovering that the Higher Education Act prohibits  
11             universities from using sales quotas for enrollment counselors, mentioned this  
12             concern to his manager, and direct supervisor, Mechelle Bonilla.

13  
14      7)     Even after the Plaintiff mentioned that he believed that the Higher Education  
15             Act prohibited sales quotas for Universities, the Plaintiff's manager still asked  
16             the Plaintiff to meet a weekly program called "Osira", which was a sales goals  
17             of: 3.5 appointments, 1.5 applications, and 2 referrals per week. It was often  
18             communicated to the Plaintiff that sales quotas were required. In several one  
19             on one meetings the Plaintiff's first manager, Barbara Keramati, reminded the  
20             Plaintiff that he was not only an employee but also a student with the  
21             University, and that his tuition reimbursement would be revoked if he failed to  
22             meet the "goal" of enrolling at least four students per month. Ms. Keramati  
23             stated to the Plaintiff on several occasions that she did not wish to enforce that  
24             revocation and encouraged the Plaintiff to meet a quota.

1  
2 8) On the 19<sup>th</sup> of December, 2006 it was communicated via an email written by  
3 the Plaintiff's manager, Barbara Keramati, and forwarded to the Directors of  
4 the company; Kyan Flynn and Kim Savich that the Plaintiff's job performance  
5 was exceptional: "kudos to Chad McKinney...Chad you are my hero!!!!!!!!!! 7  
6 appointments and 6 apins [applications]..can it get any better that that?" Other  
7 employees were even encouraged to contact the Plaintiff for advice on how to  
8 improve their performance.

9  
10 9) On a multitude of occasions from the end of February 2007 until the Plaintiff  
11 was terminated, he received multiple harassing emails from the Associate  
12 Director of Enrollment; Carlyn Lindsten. These emails threatened reductions  
13 in pay if enrollment quotas were not met, questioned the level of dedication of  
14 the Plaintiff and asked the Plaintiff if he was truly serious about his career  
15 with the company. She also asked why quotas for student enrollment were not  
16 met, and asked the Plaintiff to "step it up" in condescending threatening  
17 fashion. These types of emails were sent out almost daily, and sometimes  
18 multiple times in one day.

19  
20 10) The Plaintiff felt the enrollment practices of this company presented an ethical  
21 dilemma and decided to apply for a position as an Academic Counselor in the  
22 Academic department. He was encouraged to do so by his first manager  
23 Barbara Keramati via email and a one on one conversation. In late February  
24

1 2007 the Plaintiff submitted his resume to Thomas Graneau Jr., an employee  
2 of the Defendant.

3  
4 11) Around the time of late February 2007 but no later than that of early March  
5 2007, the Plaintiff was transferred from the Kearny Mesa campus to the  
6 downtown campus by Associate Director of Enrollment Carlyn Lindsten.  
7 This transfer was soon after the Plaintiff again voiced concerns to Ms.  
8 Lindsten of the legality of the quota system and the Defendant's San Diego  
9 office.

10  
11 12) The Plaintiff was granted an interview for the Academic position and met with  
12 Thomas Graneau Jr. and Colleen Bjornson in early March. He was not  
13 selected for the position of Academic Counselor.

14  
15 13) Although Mechelle Bonilla was not the Plaintiff's manager for the month of  
16 February of 2007, she told the Plaintiff to sign a "Discussion Memo" that  
17 stated his performance fell below expectations of the appointments seen,  
18 applications, and students whom started class and that "failure to improve  
19 your performance may result in further disciplinary action up to and including  
20 termination."

21 Although the Plaintiff did not agree with the quota system he accepted the  
22 reprimand and signed the Discussion Memo.  
23  
24

1 14) Many of the Plaintiff's applicants were subsequently transferred to other San  
2 Diego staff to maintain in disregard to corporate policy. This started on the  
3 26<sup>th</sup> of March, 2007, soon after the plaintiff questioned the legality of the  
4 university's enrollment practices in a previous conversation in early March  
5 with his second manager; Mechelle Bonilla.

6  
7 15) The Plaintiff's "lead base" [number of students in his data base available for  
8 contact] was reduced drastically by his manager Mechelle Bonilla from March  
9 2007 until he was terminated. Several of these students were transferred and  
10 assigned to Alison Herring.

11  
12 16) Plaintiff's work schedule was changed without consultation of Plaintiff by  
13 the Associate Director of Enrollment Carlyn Lindsten on the 26<sup>th</sup> of March,  
14 2007 in order to make everyone available for "QC" [Qualifying Center]  
15 telephone calls to "help everyone hit their goal!" The amount of QC calls the  
16 Plaintiff received dwindled from March onward. Plaintiff did not receive any  
17 QC calls in June or July of 2007.

18  
19 17) Plaintiff was asked and pressured by San Diego management to sign  
20 documents that the Plaintiff felt were untrue relating to his performance.

21  
22 18) Plaintiff's salary was reduced from \$37,000 to \$35,500 in May. Defendant  
23 states that the reasons were because he did not "meet goal" in May. Plaintiff  
24 contacted the independent office of Ombuds Services anonymously in the

1 beginning of June 2007 to research his options in the hopes of protecting  
2 himself from further retaliatory acts taken by the company against him for  
3 voicing concerns about the company policy of using quotas.

4  
5 19) Plaintiff submitted evidence to the Human Resources department, Employee  
6 Relations Consultant; April Alcorn, on June 11, 2007 supporting his claim  
7 that the San Diego office was using harassment and intimidation to get the  
8 plaintiff to quit employment or accept the sales quota system.

9  
10 20) The Plaintiff was told in a telephone conversation on the 11<sup>th</sup> of June, 2007 by  
11 April Alcorn that the issue the Plaintiff described in San Diego would be  
12 resolved in two weeks.

13  
14 21) On the 12<sup>th</sup> of June, 2007 April Alcorn sent an email stating to the Plaintiff:  
15 "I received your fax and will be looking into your concerns."  
16

17 22) The university continued to create a hostile work environment for Plaintiff  
18 even after he demanded to HR that it cease and desist. He was harassed with  
19 emails threatening termination on the 20<sup>th</sup> of June, 2007 by co-worker Alison  
20 Herring and approved of by his manager Mechelle Bonilla stating that if he  
21 did not participate and perform adequately in a team "blitz" at 11:30 he could  
22 be terminated. Team "blitzs" are designated times [by the manager], three  
23 times a day, in which employees were expected to not leave their cubicle, and  
24

1 make as many telephone dials as possible, and schedule as many students  
2 possible for appointments. The subject title read "IF YOU DON[']T BLITZ  
3 AT 11:30 MECHELLE SAYS YOU'RE FIRED!" The top performing  
4 Enrollment Counselor on Mechelle Bonilla's "team"; Bertha Castillo even  
5 responded to this email to justify her absence from this "blitz". Enrollment  
6 Counselor Fran Beadles also called in from the Palm Desert campus to  
7 Mechelle Bonilla on that day to voice her concerns with the email. At the  
8 conclusion of the telephone conversation she was berated in the Downtown  
9 office by Mechelle Bonilla and Alison Herring for being a "nuisance" and was  
10 also referred to as an "idiot".

11  
12 23) The Plaintiff received an overnight Federal Express package dated June 14<sup>th</sup>,  
13 2007 from April Alcorn thanking him for bringing his workplace concerns to  
14 her attention and that she would be contacting him at a later time to "discuss  
15 the findings".

16  
17 24) At the end of June 2007 the plaintiff was reprimanded by Mechelle Bonilla for  
18 his attire on a casual Friday (flip flops, jeans, and a t-shirt). This action was  
19 discriminatory and retaliatory since Alison Herring, Tiffany Jones, and  
20 Davina Mendoza had all worn the same attire [as well as tank tops] and were  
21 previously unpunished [not limited to "casual Friday"].

1 25) Plaintiff immediately contacted April Alcorn to notify her of his concerns  
2 regarding the bias and harassment by Mechelle Bonilla in relation to the  
3 casual Friday dress code.  
4

5 26) On the 2<sup>nd</sup> of July, 2007 the Plaintiff was asked by Mechelle Bonilla to search  
6 the websites for the dress code, because she was "too busy". Plaintiff could  
7 not find any information on the company websites regarding the dress code,  
8 neither could Mechelle Bonilla.  
9

10 27) The situation of harassment, which was informed to April Alcorn, (who had  
11 promised to get back to the Plaintiff in 2 weeks) was not resolved in the time  
12 frame that April Alcorn had communicated via telephone conversation, which  
13 was to be the 6<sup>th</sup> of July, 2007. This date had originally been set much earlier  
14 via telephone conversation by April Alcorn.  
15  
16

17 28) The Plaintiff was extremely stressed out over the situation, and had  
18 communicated this to April Alcorn, as well as his manager, Mechelle Bonilla,  
19 on several occasions via email, telephone and one on one conversation.  
20

21 29) The Plaintiff's stress increased daily soon after the original harassment in  
22 March 2007. Plaintiff began grinding his teeth, vomiting, and receiving  
23 stomach pains in response to the hostile work environment.  
24



1 30) Plaintiff decided to see Dr. Calixto on July 3<sup>rd</sup>, 2007 at Beautiful Smile  
2 Dentistry to seek advice on how to stop grinding his teeth.

3  
4 31) Plaintiff was told in early July by April Alcorn via telephone conversation that  
5 she had completed her investigation and the issue would be resolved by the  
6 12<sup>th</sup> of July, 2007.

7  
8 32) Plaintiff received an email from April Alcorn on the 12<sup>th</sup> of July, 2007 at 9:47  
9 a.m. stating that she had "submitted the investigation documentation to my  
10 management team for review", which was contrary to her previous promise of  
11 resolution on such date. Plaintiff immediately telephoned April Alcorn in  
12 response to this contradiction and she assured him that this would finally be  
13 resolved within twenty four hours. Plaintiff again voiced his distress to April  
14 Alcorn regarding the hostile work environment and harassment that he  
15 continued to endure.

16  
17 33) Plaintiff was contacted, by Angie Jibben, and told that he should take a leave  
18 of absence during an afternoon call on July 12<sup>th</sup> 2007. Defendant stated that  
19 he would prefer to wait for the resolution which was promised to him by April  
20 Alcorn, thanked her for the offer, and said that he would consider this an  
21 option should the need dictate so. The offer was never retracted, and was  
22 again encouraged before the completion of the telephone call by Angie Jibben  
23 as a solution to the Plaintiff's endured stress and harassment from the  
24 company.

1  
2  
3 34) Plaintiff did not receive any type of notification of resolution from April  
4 Alcorn or any other interested parties regarding his claims against the  
5 company by one o'clock the afternoon of July 13<sup>th</sup>. When Plaintiff attempted  
6 to contact April Alcorn after 1:00 on the 13<sup>th</sup> of July, 2007 a gentleman  
7 [whose name he did not recall] answered her personal work line. He  
8 attempted to pry the Plaintiff for information regarding his claims and agreed  
9 to leave a message for her.  
10

11 35) On July 13<sup>th</sup>, 2007 at 6:00 p.m., the Plaintiff did not receive any information  
12 regarding his claims against the company and the issue still had not been  
13 resolved as was communicated to him by April Alcorn.  
14  
15

16 36) On July 13<sup>th</sup>, 2007, based upon the mental stress, and the tooth grinding  
17 condition which started soon after the stressful work environment at the  
18 Defendant's location, the Plaintiff decided to take the leave of absence offered  
19 earlier by Angie Jibben. The Plaintiff felt that this would allow for some  
20 needed rest and also allow the defendant even more time to resolve the hostile  
21 working conditions that were stressing him out.  
22

23 37) On July 13<sup>th</sup>, 2007, the Plaintiff notified April Alcorn and Mechelle Bonilla  
24 via email that he would take a 10 day non-paid vacation in order to provide

1           them enough time to rectify the situation. He provided his personal email  
2           account, should they need to contact him.

3  
4       38)   On July 16<sup>th</sup>, 2007 the Plaintiff left for vacation in an attempt to alleviate his  
5           stress and allow the defendant time to resolve the work environment issue.

6  
7       39)   While the Plaintiff was on Leave of Absence, he received three overnight  
8           Federal Express packages were left at his door from April Alcorn. The first  
9           package was dated July 17<sup>th</sup>, 2007, and stated in a letter that he needed to  
10          return to work no later than Thursday, July 19<sup>th</sup>, 2007 at his regularly  
11          scheduled work time. "Failure to report to work by the designated date will  
12          leave us no other alternative but to accept your voluntary resignation." The  
13          Plaintiff never received any information pertaining to this on the contact email  
14          he had made available to April Alcorn and Mechelle Bonilla.

15  
16  
17       40)   The second and third packages were dated July 19<sup>th</sup>, 2007.

18  
19       41)   The second letter stated, "You failed to report to work at the designated date  
20          and time. Consistent with our policy, the Company has chosen to separate  
21          your employment effective July 19<sup>th</sup>, 2007."

42) The third and final letter stated, "Please be advised that the Apollo Group, Inc.

has reviewed your concerns and we find no evidence to support any findings

of the San Diego Enrollment Department violating Company policies or

procedures as outlined by your allegations."

## LEGAL CLAIMS

### FIRST CAUSE OF ACTION

## RETALIATION

1986. Congress added anti-retaliation protections to the **False Claims Act** § 3729. These

provisions, which did not exist previously, are contained in 31 U.S.C. Sec. 3730(h):

Any employee who is discharged, demoted, suspended, threatened, harassed, or in

any other manner discriminated against in the terms and conditions of

employment by his or her employer because of lawful acts done by the employee

on behalf of his employer or others in furtherance of an action under this section,

including investigation for, initiation of, testimony for, or assistance in an action

filed or to be filed under this section, shall be entitled to all relief necessary to

make the employee whole.

## SECOND CAUSE OF ACTION

*RETALIATION (Under Title VII)*

Title VII of the 1964 Civil Rights Act and the amendment in 1991 of the Civil Rights

Act.

1 **THIRD CAUSE OF ACTION**

2 *WRONGFUL TERMINATION*

3  
4 **FOURTH CAUSE OF ACTION**

5 *FALSE IMPRISONMENT*

6  
7 **FIFTH CAUSE OF ACTION**

8 *INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS*

9  
10 **SIXTH CAUSE OF ACTION**

11 *DEFAMATION*

12  
13 **SEVENTH CAUSE OF ACTION**

14 *EQUAL PAY*

15  
16  
17  
18  
19  
20 **CONCLUSION**

21  
22 The Plaintiff discovered that the Defendant was required by federal law to not use quotas  
23 as part of its student recruitment process. When the Plaintiff asked the Defendant to cease  
24 and desist, the Defendant retaliated via harassment and eventually terminated the

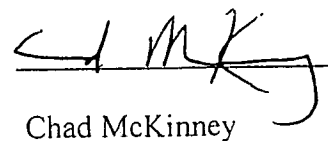
1 Plaintiff. Harassing and discriminatory actions by the defendant included, but were not  
2 limited to Equal Pay discrimination (arbitrarily cutting the Plaintiff's salary) and creating  
3 working conditions to intentionally inflict emotional distress.

4  
5 **RELIEF REQUESTED**

- 6  
7  
8 1- Trial by jury on all issues triable by jury  
9 2- Actual (compensatory) damages to in the amount to be determined by a jury  
10 3- Maximum Statutory damages  
11 4- Punitive damages in the amount of \$250,000, or the maximum allowable by law.  
12 5- Costs related to bringing this action, including reasonable attorney fees  
13 6- Leave to amend this complaint pursuant to F.R.C.P 15(a), once discovery in this action  
14 has been completed  
15 7 -Any other relief as this honorable court deems just, proper and equitable  
16  
17  
18

19 Dated: 12/27/2007

20 12/27/2007

21   
22  
23  
24

Chad McKinney

JS 44 (Rev. 11/04)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

Chad McKinney, 6266 Madeline Street Apt. 61, San Diego CA  
92115-5630 Tel- 619-634-3566

(b) County of Residence of First Listed Plaintiff SAN DIEGO  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)  
CHAD MCKINNEY, PRO SE (contact information listed above)

**DEFENDANTS**

APOLLO GROUP INC., MECHELLE BONILLA,  
KYAN FLYNN, APRIL ALCORN, CARLYN LINDSTEN

County of Residence of First Listed Defendant SAN DIEGO  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |                                         |                            |                            |                                                               |                            |                            |
|-----------------------------------------|----------------------------|----------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
|                                         | PTF                        | DEF                        |                                                               | PTF                        | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation                                                | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
				<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

False Claims Act (31 USC §§ 3729-3733) & CIVIL RIGHTS ACT 1964 & 1991 TITLE VII AMENDMENTS

Brief description of cause:

RETALIATION-WRONGFUL TERMINATION, FALSE CLAIMS ACT- RETALIATION

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23  
 DEMAND \$ 250,000.00

CHECK YES only if demanded in complaint:  
 JURY DEMAND: ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

12/17/2007  
 FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE